

Testimony of Jill Thomas
Before the Senate Committee on Commerce, Science and Transportation
August 4, 1999

Good afternoon, my name is Jill Thomas and I am a geriatric nurse from Cleveland, Ohio. I want to first thank the Committee for inviting me to tell my family's story. I feel that even if I can't help my father, maybe I can change someone else's life by the events that have occurred in ours. I have an elderly father who is being exploited by a gypsy.

My father had been a hard working man, who never earned much money. In fact, he often had to borrow money from me. Then, in 1994, he won \$6 million from the Florida Lottery. He had enough foresight to establish a trust for himself before he cashed the ticket. The trust was set up in his name, with himself as trustee and my brother David and I as successor trustees. My other brother and sister were beneficiaries. The attorney that set up the trust, John Sanders, was always looking out for Dad's best interests.

Dad did like the good things in life. He liked to share in his wealth, so he gave money to his family members and select charities. He also would take family and friends out to nice dinners in rented limousines. After taxes, Dad's yearly winnings were about \$220,000 and he was going through it fast. On several occasions I had to second mortgage my house in order to give him money to get him through until his next lottery check.

Unfortunately, he was not watchful of who entered his life. Having been divorced for about 7 years prior to winning the lottery, he was lonely. He had joined social clubs to meet people, but decided to put an ad in the paper that indicated he was financially stable and was looking for a younger woman.

Sometime around the beginning of 1997, from the above ad, dad met a gypsy, "Stephanie," a woman about 40 years old. They were soon living together. Within a few weeks they had broken up. They soon got back together. This became a pattern. Before long, she began to turn visitors away, alienating him from his friends.

In April of 1997, Dad had a TIA, Transient Ischemic Attack, which is like a mini-stroke. After tests determined this was caused from a defective heart valve, he went in for open heart surgery at the end of April. He and Stephanie were not living together at the time but, he had started seeing her again. Before the surgery Dad told me that if anything happened I was to give Stephanie \$5,000. This, to me, is a strong indication that Dad, when he was still fully competent, didn't intend to hand over all his money to her. During this surgery, Dad had a significant stroke that affected the right side of his brain, which is the cognitive side (i.e.: judgment, etc). He also could not move the left side of his body, and could not see in his left visual field.

Immediately after the surgery, my brothers, sister and I became suspicious of Stephanie. She was very manipulative. My brother and I went to see my father's longtime attorney to obtain Power of

Attorney. Even though my father was very confused, he encouraged this action. The attorney called my dad while we were in his office. My father told him he wanted all the papers to have my name, my brother David's name, and Stephanie's name. The attorney indicated that Dad was easily manipulated, and he agreed with us that something had to be done, he did not want Stephanie's name on all the legal documents. Unfortunately, the attorney couldn't get this Power of Attorney for us, because when he went to draw up the papers he spoke to my father's doctor and was told he was not competent to make those decisions.

Dad spent several months recuperating at a rehabilitation hospital. We made plans for him to come to Ohio with me after he was released, so that he could complete his therapy. Even though my dad was hospitalized, Stephanie clearly still had influence over him. In May or June, my father asked me to send her another \$5,000. (Apparently, she had spent the \$5,000 he had given her in April.) I called Stephanie and told her that unless she was starving I could not send the money. I did not know what type of medical needs my dad would have, and since he had spent most of his money he would need to borrow from me until his next check came in. I suggested she get a part time job, since she lived with her mother and daughter and no one in the house had a job.

Shortly after that phone call Stephanie broke up with my Dad. He told me that she said "she loved him too much to come between him and his children." He was still somewhat mentally and physically fragile at that time. She had her phone disconnected, but he still called the number 500 times over the next couple of days. After about three days, she called him. She wouldn't see him, but continued to call him; and since she never gave him a way to call her, by not giving him a phone number for her, he was always waiting for the phone to ring. He at times refused to go to therapy since he was afraid he would miss her call. This was another way of increasing his dependency on her.

At the beginning of July 1997 discharge plans were begun for my Dad. The plans to go to Ohio fell through. He was allowed to make his own health care decisions by that time. I was hoping to end this tale with Stephanie by pulling him out of the situation while he finished his therapy in Ohio.

In anticipation of discharge, Dad wanted \$20,000 from me in order to be able to support himself and Stephanie. I let them know that we had to do that through his attorney. Stephanie proceeded to get another attorney for my father. She became his Power of Attorney. I told him that I was coming to Florida on the 5th of July in anticipation of his July 7th discharge, to bring the money and make arrangements for his ongoing care. I told him I would not lend him the money without a meeting with his attorney. He reluctantly agreed. When I called him from the airport, he told me not to come. He stated "If you come within a hundred miles of Melbourne, Stephanie will leave me." This was obviously her way of taking the family out of the picture as well. I canceled my reservations, called a guardianship attorney and applied for guardianship.

I was granted emergency guardianship, and attempted to visit him. I told him that I was bringing his cat back (I had kept his cat while he was hospitalized). However, by this point, it seemed that Stephanie had effectively poisoned my relationship with my dad. When I told him I was coming, he told me that I could not come to his condo. He would take a cab and meet me down the road

at the Holiday Inn. My brother and I drove to his condo and called from the parking lot to tell him we were there. He refused to see us. At that point, I told him I was his guardian and I needed to check on him. He still refused, we called the police and he still refused to let us in. He refused to use the court-appointed attorney and used the attorney Stephanie found for him.

I was his guardian until September 5, 1997, when it was determined that he was "not incompetent" by an examining committee. I have had the examining committee reports read by multiple professionals who disagreed and stated he was not competent. I, who had known my Dad for 48 years at that point, knew that he was not competent. The reports all stated that he would need help managing his money and that he could not drive due to his left-sided paralysis and visual field cut, yet no privileges were denied.

Stephanie apparently convinced him to stop getting physical therapy. When my father was discharged from the rehabilitation hospital he was to continue therapy on an outpatient basis. During the time of my guardianship he decided he did not want to continue therapy, he stated that Stephanie was the only therapy he needed. I hired a local guardian to help make arrangements for continued therapy, and to help with insurance problems. She was met with continued resistance by my father and Stephanie. Therefore, he never finished his therapy and never reached his full potential after his stroke.

In furtherance of her pattern of control over my father, Stephanie had broken up with him after he was released from the hospital. This was really hard on my dad, who was in a weakened physical condition, and had already been effectively isolated from his friends by Stephanie's past actions.

Shortly after Stephanie returned from this breakup, he sold his condo on the beach which he had loved so much (of course not until after her name was added to the deed). In December of 1997, they moved from Melbourne Beach to Tallahassee, where my Dad had no one but Stephanie had some contacts. They moved with no forwarding address and did not even disconnect the telephone.

Nearly two years ago, Stephanie filled a defamation suit against my brother David and myself. This was her attempt to get rid of us forever. We filed a countersuit for tortious interference with inheritance, which was the only claim our attorney said we could use. Once we filed a countersuit she immediately wanted to drop her suit, since she did not want to be open for discovery. We would not allow it. Both cases were dismissed. Our countersuit was dismissed with prejudice since my father was, and I hope is, still alive.

Had Florida recognized alienation of affection, I believe this would have had a different ending. I know if I could get this matter into court, we (the children) would win— which means my father would win. His former attorney could testify since there is not an attorney-client privilege since my brother and/or myself were always present during his visits. His bankers, who had known him for years, have told us that he is involved with a "band of gypsies." My father had friends, prior to Stephanie, who would testify. Since my father's stroke, and under Stephanie's influence, my father has changed attorneys and bankers and keeps in touch with no one.

The last time I saw my father (in court in June or July of 1998), he was in a wheelchair. It was clear he was deteriorating. My belief, as a geriatric nurse and knowing my father and his determination, is that with appropriate care he would still be walking with a cane as he was when he was discharged from the rehabilitation hospital, and not in a wheelchair.

According to Florida law if guardianship is filed with good intentions, even if denied, the ward pays the fees. After the fee petitions were submitted and appealed, etc., the court awarded me \$29,000 of the direct expenses for the guardianship to be reimbursed by my father. Of course this decision was appealed. Finally, in March 1999 we settled for \$23,000. I regret this settlement, because while we were in some type of litigation, I felt sure that he would not be physically hurt, since at least an attorney was in contact with him.

My brothers, sister and I have not spoken to my father nor seen him since the court date in June or July of 1998. My brother Tommy tries to call my dad all the time and usually gets no answer. At the beginning of May of this year, someone answered the phone; he believes it was Stephanie. She told him that my father was at the doctor and he had been very sick. Tommy requested that Stephanie have my Dad call him. My Dad never called, and when Tommy tried to call back in a couple of days the phone was disconnected.

I am a member of the elder abuse listserv where I have made a wonderful friend, Joe. When I told him this story he put me in touch with Dr. Blum, who after hearing this story, was of the opinion that my father was in grave danger. Dr. Blum put me in touch with Detective Reyes from LAPD; both of these gentlemen specialize in the financial exploitation of the elderly. Detective Reyes called Rob Pace from the Fraud Division of the Tallahassee Sheriff's department on my behalf. I was hopeful that I would get some help. When I originally spoke to Detective Pace I was encouraged: he stated that by current Florida law he may not be able to help, not that what was happening was right, but he indicated that since this is such a big problem in Florida, maybe it is time to set a precedent.

I have talked to Detective Pace a couple of times since then and he tells me that he cannot help without a referral from Adult Protective Services.

Adult protective services tells me it is my father's money and he can give it to anyone he wants.

Here is a partial list of the places I have called:

- the FBI,
- Adult Protective Services 4 times,
- the Tallahassee Sheriff's Department fraud unit,
- the Police Departments in Tallahassee and in Melbourne Beach, and
- the Florida Attorney General's office twice.

In November of 1998, we had another financial check run by a private investigator. That check

determined that my father and Stephanie owned three cars (and my father is not able to drive).

From what little information I am able to obtain from the police, sheriff, adult protective services it appears he has been in and out of assisted living facilities, hospitals and possibly nursing homes. It is my understanding that my father and Stephanie got married last January. I wonder what the plan is now.

I know from my work that elderly people, especially those with a diagnosis of dementia, are able to mentally function reasonably well in a familiar environment with a set and comfortable routine. My father has been moved so many times, that I am sure it has been detrimental to his cognitive status. While this is the gypsy lifestyle, it is most assuredly part of the plan to keep my father dependent on Stephanie.

My father is now 74 years old and he is missing. We have not heard from him directly since June or July of 1998, when we were in court. We have not had any information about his whereabouts directly since that time. We believe he may be in Georgia.

I am very worried about my father. I don't know whether he's being well cared for. I don't want him to die alone, or without being reunited with his children who have always been an important part of his life. I don't know where I can turn for help.

Thank you for your time and concern.